

Vinh Nguyen, SBN 171768, In Pro per
1314 Lincoln Ave., Ste 2E
San Jose, CA 95125
Telephone: (408) 828-8078
Fax: (408) 624-1014
Email: vnsanjose99@gmail.com

Debtor In Pro Per

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In Re VINH NGUYEN,
Debtor

Case No. 22-50907

Chapter 7

**DECLARATION OF VINH NGUYEN
IN SUPPORT OF
MOTION TO ENFORCE
SETTLEMENT AGREEMENT**

Hearing

Date: February 1, 2024

Time: 10:00 a.m.

Place: U.S. Courthouse,
280 South 1st Street, Courtroom 11,
San Jose CA 95113

Before: Hon. M. Elaine Hammond

My name is Vinh Nguyen aka Vince Nguyen, I am the debtor in this Chapter 7 Case from
its commencement. I am familiar with the events surrounding the subject case. If called to
testify, I will be able to competently and confidently testify just as I declare herein. I hereby
declare:

//

- 1 -

DECLARATION OF VINH NGUYEN IN SUPPORT OF
MOTION TO ENFORCE SETTLEMENT AGREEMENT

1. On 10/04/2022, as co-owner of the real property located at 12329 Kosich Place, Saratoga, CA 95070 ("Property"), I petitioned for bankruptcy in this court.

2. On 01/11/23, in the subject case, I, together with other interested people, entered into a Global Settlement Agreement ("Settlement Agreement") with secured creditor Paul Nguyen ("Mr. Paul")¹, and others. [Dkt. #151]. The settlement agreement was authorized by the court on 02/09/23 [Dkt #166].

3. Clause 17 in the Settlement Agreement provides:

"... Upon receipt of the Creditor Proceeds, the Claims shall be deemed withdrawn for all purposes. No later than three (3) business days after Creditor receives the Creditor Proceeds, he shall (a) withdraw any and all Notices related to the Residence..., and any others that are not listed..." [emphasis added].

4. Before the dispute came to this court, and while the Property in subject had been in his foreclosure process, Mr. Paul has recorded, or caused to be recorded (by his trustees Blossomgame and Szigeti), seven documents on the Property, detailed on the table below:

No.	Label of Document	Document Executed by	Recording Date	Document No.
1	Notice of Default	Hermond L Blossomgame	02/25/21	24846754
2	Substitution of Trustee	Paul K. Nguyen	04/14/21	24921401
3	Notice of Trustee's Sale	Hermond L. Blossomgame	05/12/21	24957491
4	Notice of Trustee's Sale	Hermond L. Blossomgame	05/14/21	24960843
5	Notice of Intent to Preserve Interest	Paul K. Nguyen	05/25/22	25308974
6	Substitution of Trustee	Paul K. Nguyen	06/27/22	25326642
7	Notice of Trustee's Sale	Yosef Szigeti	07/05/22	25330309

¹ The parties have the same last name but not related. Last name is omitted in one person to avoid confusion. It is not intended to be a lack of respect.

Attached as **Exhibits 1 through 7** are true and correct copies of the seven said documents.

5. Back to the present, the Creditor Proceeds, on 01/18/23, was deposited with the Chapter 7 Trustee who delivered the money to Mr. Paul right after the settlement was authorized by the court on 02/09/23.

6. After the money was delivered to Mr. Paul, in a few times, my then lawyer Arasto Farsad has requested Mr. Paul to issue the withdrawals as provided in Clause 17 of the Settlement Agreement. No definite answer was received. The last communication between the parties happened on 12/08/23.

7. As of today, the said documents/notices still exist encumbering the Property.

Under penalty of perjury on the laws of the United States and of the State of California, I declare that the foregoing are the truth.

Executed in San Jose, December 31, 2023.

/s/ Vinh Nguyen
Vinh Nguyen

- 3 -

DECLARATION OF VINH NGUYEN IN SUPPORT OF
MOTION TO ENFORCE SETTLEMENT AGREEMENT

EXHIBIT 1

24846754

Regina Alcomendras
Santa Clara County - Clerk-Recorder
02/25/2021 08:30 AM

Titles: 1 Pages: 2
Fees: \$103.00
Tax: \$0
Total: \$103.00

WFG National-Default Services
RECORDING REQUESTED BY

same as below

AND WHEN RECORDED MAIL TO

Parker Foreclosure Services, LLC
PO Box 2940
Ventura, CA 93002-2940
386-23-072

Space above this line for recorder's use only

Trustee Sale No. 2104 Loan No. Title Order No. *18127452AD*

NOTICE OF DEFAULT AND ELECTION TO SELL UNDER DEED OF TRUST
IMPORTANT NOTICE

IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION, and you may have the legal right to bring your account in good standing by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of your account, which is normally five business days prior to the date set for the sale of your property. No sale date may be set until approximately 90 days from the date this notice of default may be recorded (which date of recordation appears on this notice).

This amount is \$362,026.96 as of 02/24/2021 and will increase until your account becomes current.

While your property is in foreclosure, you still must pay other obligations (such as insurance and taxes) required by your note and deed of trust or mortgage. If you fail to make future payments on the loan, pay taxes on the property, provide insurance on the property, or pay other obligations as required in the note and deed of trust or mortgage, the beneficiary or mortgagee may insist that you do so in order to reinstate your account in good standing. In addition, the beneficiary or mortgagee may require as a condition to reinstatement that you provide reliable written evidence that you paid all senior liens, property taxes, and hazard insurance premiums.

Upon your written request, the beneficiary or mortgagee will give you a written itemization of the entire amount you must pay. You may not have to pay the entire unpaid portion of your account, even though full payment was demanded, but you must pay all amounts in default at the time payment is made. However, you and your beneficiary or mortgagee may mutually agree in writing prior to the time the notice of sale is posted (which may not be earlier than three months after this notice of default is recorded) to, among other things, (1) provide additional time in which to cure the default by transfer of the property or otherwise; or (2) establish a schedule of payments in order to cure your default; or both (1) and (2).

Following the expiration of the time period referred to in this paragraph of this notice, unless the obligation being foreclosed upon or a separate written agreement between you and your creditor permits a longer period, you have only the legal right to stop the sale of property by paying the entire amount demanded by your creditor.

To find out the amount you must pay, to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact: Parker Foreclosure Services, LLC, PO Box 2940, Ventura, CA 93002, 805 641-9292, FAX 805 666-1452

If you have any questions, you should contact a lawyer or the governmental agency which may have insured your loan.

Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure.

Remember, YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION. NOTICE IS HEREBY GIVEN THAT: Parker Foreclosure Services, LLC is either the original trustee, the duly appointed substituted trustee, or acting as agent for the trustee or beneficiary under a Deed of Trust dated 08/25/2011, executed by Vinh D. Nguyen and Teri H. Nguyen, as Trustees of the Nguyen-Ha Living Trust Dated December 10, 2004, as trustor, to secure obligations in favor of Paul K. Nguyen, as Beneficiary Recorded on 08/25/2011 as Document #21291910 of official records in the Office of the Recorder of Santa Clara County, California, as more fully described on said Deed of Trust. Including the note(s) for the sum of \$215,000.00 that the beneficial interest under said Deed of Trust and the obligations secured thereby are presently held by the beneficiary; that a breach of, and default in, the obligations for which said Deed of Trust is security has occurred in that the payment has not been made of: THE INSTALLMENT(S) OF INTEREST AND/OR PRINCIPAL AND INTEREST WHICH HAS/HAVE BECOME DUE AND ALL SUBSEQUENT INSTALLMENTS, TOGETHER WITH ALL LATE CHARGES, ADVANCES TO SENIOR LIENS, INTEREST, INSURANCE, TAXES, ASSESSMENTS AND LEGAL FEES PLUS TRUSTEE'S FEES AND COSTS. WRITTEN EVIDENCE THAT TAXES AND ALL SENIOR ENCUMBRANCES ARE CURRENT MUST BE PROVIDED. ANY DELINQUENT TAXES AND/OR INSURANCE PREMIUMS TO BE ADVANCED BY THE BENEFICIARY AFTER THE RECORDING OF THE NOTICE OF DEFAULT. PLUS FAILURE TO PAY REAL ESTATE TAXES AND/OR PAYMENTS TO PRIOR LIEN HOLDERS AS REPORTED DELINQUENT. THE UNPAID PRINCIPAL BALANCE OF \$215,000.00 PLUS ACCRUED INTEREST WHICH BECAME DUE ON 07/28/2012. THE INSTALLMENT OF INTEREST WHICH BECAME DUE 08/28/2011 AND ALL SUBSEQUENT INSTALLMENTS, TOGETHER WITH ALL LATE CHARGES.

That by reason thereof, the present beneficiary under such Deed of Trust, has executed and delivered to said Trustee, a written Declaration and Demand for Sale, and has deposited with said duly appointed Trustee, such Deed of Trust and all documents evidencing the obligations secured thereby, and has declared and does hereby declare all sums secured thereby immediately due and payable and has elected and does hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby.

DATE: 02/24/2021

Parker Foreclosure Services, LLC



Hermond L. Blossomgame, President

EXHIBIT 2

****This document was electronically submitted to Santa Clara County for recording****

24921401

Regina Alcomendras
Santa Clara County - Clerk-Recorder
04/14/2021 01:06 PM

Titles: 1 Pages: 1
Fees: \$100.00
Tax: \$0
Total: \$100.00

RECORDING REQUESTED BY

SAME AS BELOW

AND WHEN RECORDED MAIL TO

Parker Foreclosure Services, LLC
PO Box 2940
Ventura, CA 93002-2940

1812745CAD

Space above this line for recorder's use only

Trustee Sale No. 2104 Loan No. Title Order No.

SUBSTITUTION OF TRUSTEE

WHEREAS, Vinh D. Nguyen and Teri H. Nguyen, as Trustees of the Nguyen-Ha Living Trust Dated December 10, 2004, was the original Trustor, Old Republic Title Company, was the original Trustee, and Paul K. Nguyen, was the original Beneficiary under that certain Deed of Trust dated 08/25/2011, Recorded on 08/25/2011 as Document #21291910 of official records in the office of the Recorder of Santa Clara County, California, and

WHEREAS, Paul K. Nguyen, the undersigned, is the present Beneficiary under said Deed of Trust, and,

WHEREAS, the undersigned desires to substitute a new Trustee under said Deed of Trust in the place of and stead of said original Trustee thereunder.

Now, THEREFORE, the undersigned Beneficiary hereby substitutes Parker Foreclosure Services, LLC, PO Box 2940, Ventura, CA 93002-2940, as Trustee of Said Deed of Trust.

Whenever the context hereof so requires, the masculine gender includes the feminine and/or neuter, and the singular number indicates the plural.

DATE: *02/26/21*

[Signature]
Paul K. Nguyen

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

STATE OF California

COUNTY OF *Orange*

On *Feb 26th 2021* before me, Travis Duong Nguyen, notary public, personally appeared Paul K. Nguyen who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public in and for said County and State

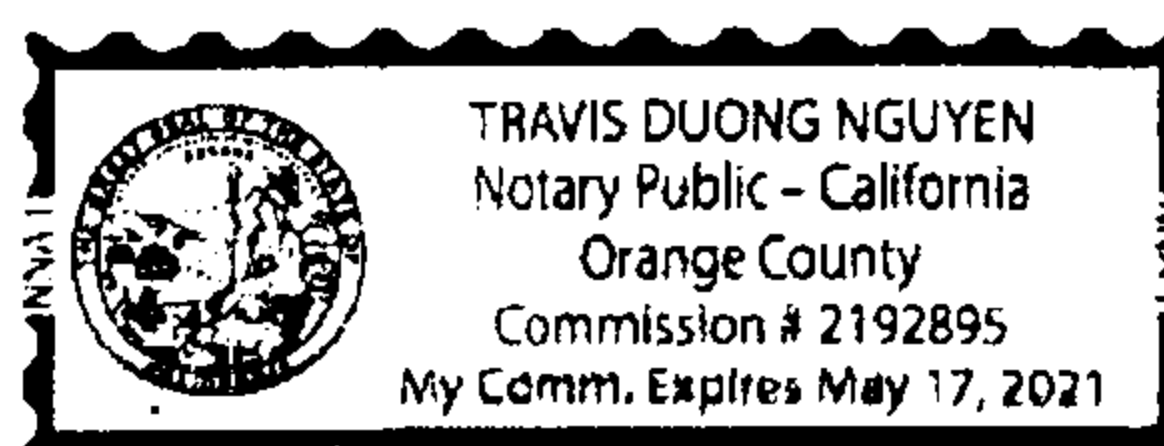


EXHIBIT 3

24957491

Regina Alcomendras

Santa Clara County - Clerk-Recorder

05/12/2021 08:42 AM

Titles: 1 Pages: 2

Fees: \$103.00

Tax: \$0

Total: \$103.00

RECORDING REQUESTED BY

SAME AS BELOW

AND WHEN RECORDED MAIL TO

Parker Foreclosure Services, LLC
PO Box 2940
Ventura, CA 93002-2940

Space above this line for recorder's use only

Trustee Sale No. 2104 Loan No. Title Order No. 1812745cad
APN 386-23-072

NOTICE OF TRUSTEE'S SALE

YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 08/25/2011. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

On 06/23/2021 at 10:00AM, Parker Foreclosure Services, LLC as the duly appointed Trustee under and pursuant to Deed of Trust Recorded on 08/25/2011 as Document #21291910 of official records in the Office of the Recorder of Santa Clara County, California, executed by: Vinh D. Nguyen and Teri H. Nguyen, as Trustees of the Nguyen-Ha Living Trust Dated December 10, 2004, as Trustor, Paul K. Nguyen, as Beneficiary, WILL SELL AT PUBLIC AUCTION TO THE HIGHEST BIDDER FOR CASH (payable at time of sale in lawful money of the United States, by cash, a cashier's check PAYABLE TO PARKER FORECLOSURE SERVICES, LLC drawn by a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state). At: At the entrance to the Superior Courthouse, 190 N. Market Street, San Jose, CA, all right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County, California describing the land therein:

All of Lot 10, a shown on that certain Map of Tract No. 8917, which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on June 10, 1997, in Book 688 of Maps, Page(s) 31, 32 and 33.

Excepting therefrom the underground water rights, without the right to surface entry as granted to San Jose Water Company by Quitclaim Deed recorded August 25, 1999 as Instrument No. 14955253 Official Records of Santa Clara County.

The property heretofore described is being sold "as is". The street address and other common designation, if any, of the real property described above is purported to be: 12329 Kosich Place, Saratoga, CA 95070.

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, if any, under the terms of the Deed of Trust, estimated fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to-wit: \$367,249.86 (Estimated)

Accrued interest and additional advances, if any, will increase this figure prior to sale.

The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Default and Demand for Sale, and a written Notice of Default and Election to Sell. The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located and more than three months have elapsed since such recordation.

Trustee Sale No. 2104
 Loan No.
 Title Order No. 1812745cad
 APN 386-23-072

NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call 844-477-7869 or visit this internet website Stoxposting.com, using the file number assigned to this case 2104. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the internet website. The best way to verify postponement information is to attend the scheduled sale.

NOTICE TO TENANT: You may have a right to purchase this property after the trustee auction pursuant to Section 2924m of the California Civil Code. If you are an "eligible tenant buyer," you can purchase the property if you match the last and highest bid placed at the trustee auction. If you are an "eligible bidder," you may be able to purchase the property if you exceed the last and highest bid placed at the trustee auction. There are three steps to exercising this right of purchase. First, 48 hours after the date of the trustee sale, you can call 844-477-7869, or visit this internet website Stoxposting.com, using the file number assigned to this case 2104 to find the date on which the trustee's sale was held, the amount of the last and highest bid, and the address of the trustee. Second, you must send a written notice of intent to place a bid so that the trustee receives it no more than 15 days after the trustee's sale. Third, you must submit a bid so that the trustee receives it no more than 45 days after the trustee's sale. If you think you may qualify as an "eligible tenant buyer" or "eligible bidder," you should consider contacting an attorney or appropriate real estate professional immediately for advice regarding this potential right to purchase.

DATE: 05/11/2021

Parker Foreclosure Services, LLC
 PO Box 2940
 Ventura, CA 93002-2940 (714) 573-1965



 Hermond L. Blossomgame, President

EXHIBIT 4

24960843

Regina Alcomendras

Santa Clara County - Clerk-Recorder

05/14/2021 08:35 AM

Titles: 1 Pages: 2

Fees: \$103.00

Tax: \$0

Total: \$103.00

RECORDING REQUESTED BY

SAME AS BELOW

AND WHEN RECORDED MAIL TO

Parker Foreclosure Services, LLC

PO Box 2940

Ventura, CA 93002-2940

Space above this line for recorder's use only

Trustee Sale No. 2104 Loan No. Title Order No. 1812745cad
APN 386-23-072

NOTICE OF TRUSTEE'S SALE

YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 08/25/2011. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

On 06/23/2021 at 10:00AM, Parker Foreclosure Services, LLC as the duly appointed Trustee under and pursuant to Deed of Trust Recorded on 08/25/2011 as Document #21291910 of official records in the Office of the Recorder of Santa Clara County, California, executed by: Vinh D. Nguyen and Teri H. Nguyen, as Trustees of the Nguyen-Ha Living Trust Dated December 10, 2004, as Trustor, Paul K. Nguyen, as Beneficiary, WILL SELL AT PUBLIC AUCTION TO THE HIGHEST BIDDER FOR CASH (payable at time of sale in lawful money of the United States, by cash, a cashier's check PAYABLE TO PARKER FORECLOSURE SERVICES, LLC drawn by a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state). At: At the Gated North Market Street entrance of the Superior Courthouse located at 191 North 1st Street, San Jose, CA 95113 all right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County, California describing the land therein:

All of Lot 10, a shown on that certain Map of Tract No. 8917, which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on June 10, 1997, in Book 688 of Maps, Page(s) 31, 32 and 33.

Excepting therefrom the underground water rights, without the right to surface entry as granted to San Jose Water Company by Quitclaim Deed recorded August 25, 1999 as Instrument No. 14955253 Official Records of Santa Clara County.

The property heretofore described is being sold "as is". The street address and other common designation, if any, of the real property described above is purported to be: 12329 Kosich Place, Saratoga, CA 95070.

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, if any, under the terms of the Deed of Trust, estimated fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to-wit: \$367,249.86 (Estimated)

Accrued interest and additional advances, if any, will increase this figure prior to sale.

The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Default and Demand for Sale, and a written Notice of Default and Election to Sell. The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located and more than three months have elapsed since such recordation.

Trustee Sale No. 2104
 Loan No.
 Title Order No. 1812745cad
 APN 386-23-072

NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call 844-477-7869 or visit this internet website Stoxposting.com, using the file number assigned to this case 2104. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the internet website. The best way to verify postponement information is to attend the scheduled sale.

NOTICE TO TENANT: You may have a right to purchase this property after the trustee auction pursuant to Section 2924m of the California Civil Code. If you are an "eligible tenant buyer," you can purchase the property if you match the last and highest bid placed at the trustee auction. If you are an "eligible bidder," you may be able to purchase the property if you exceed the last and highest bid placed at the trustee auction. There are three steps to exercising this right of purchase. First, 48 hours after the date of the trustee sale, you can call 844-477-7869, or visit this internet website Stoxposting.com, using the file number assigned to this case 2104 to find the date on which the trustee's sale was held, the amount of the last and highest bid, and the address of the trustee. Second, you must send a written notice of intent to place a bid so that the trustee receives it no more than 15 days after the trustee's sale. Third, you must submit a bid so that the trustee receives it no more than 45 days after the trustee's sale. If you think you may qualify as an "eligible tenant buyer" or "eligible bidder," you should consider contacting an attorney or appropriate real estate professional immediately for advice regarding this potential right to purchase.

DATE: 05/11/2021

Parker Foreclosure Services, LLC
 PO Box 2940
 Ventura, CA 93002-2940 (714) 573-1965

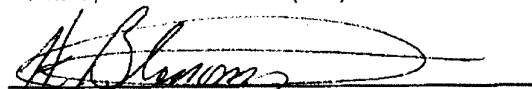

 Hermond L. Blossomgame, President

EXHIBIT 5

25308974

Regina Alcomendras
Santa Clara County - Clerk-Recorder

05/25/2022 10:50 AM

RECORDING REQUESTED BY:

Paul K. Nguyen

WHEN RECORDED MAIL TO:

Name: Paul K. Nguyen
Address: 9353 Bolsa Ave #F8
City: Westminster
State & Zip: CA 92683

Titles: 1 Pages: 2

Fees: \$110.00
Taxes: \$0
Total: \$110.00



APN: 386-23-07

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INDEXING INSTRUCTION

THIS NOTICE MUST BE INDEXED AS FOLLOWS: GRANTOR AND GRANTEE INDEX-EACH CLAIMANT IS A GRANTOR.

NOTICE OF INTENT TO PRESERVE INTEREST

This notice is intended to preserve an interest in real property from extinguishment pursuant to Title 5 (commencing with Section 880.020) of Part 2 of Division 2 of the Civil Code (Marketable Record Title).

Claimant Name: Paul K. Nguyen

Mailing address: 9353 Bolsa Ave #F8, Westminster, CA 92683

Interest Character: Deed of Trust Beneficiary

Record location of document creating or evidencing interest in claimant: Santa Clara County Clerk - Recorder, Doc #21291910, Recorded on 08/25/2011

Real Property Legal description: All that certain Real Property in the City of Saratoga, County of Santa Clara, State of California, address of 12329 Kosich Place, Saratoga, CA 95070. Described as follows:

All of Lot 10, a shown on that certain Map of Tract No. 8917, which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on June 10, 1997, in Book 688 of Maps, Page(s) 31, 32 and 33. Excepting therefrom the underground water rights, without the right of surface entry as granted to San Jose water Company by Quitclaim Deed recorded August 25, 1999 as Instrument No. 14955253 Official Records of Santa Clara county.

More particularly described as: APN: 386-23-07

I assert under penalty of perjury that this notice is not recorded for the purpose of slandering title to real property and I am informed and believe that the information contained in this notice is true. If this notice is made on behalf of a claimant, I assert under penalty of perjury that I am authorized to act on behalf of the claimant. I am the person who signed the foregoing notice. I have read that notice and know its contents, and the facts stated therein are true of my own knowledge.

Dated: January 27, 2022
NP

Paul K. Nguyen

01/27/2022

CA Notary Public See
Attached Acknowledgment

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of ORANGE

On 01/27/2022 before me, TRAVIS DUONG NGUYEN, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared PAUL K. NGUYEN
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

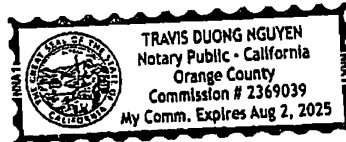
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



This is to certify that this is a
true copy of the document
on file in this office.

ATTEST:

Regina Alconimendias

CLERK-RECORDER

Santa Clara, CA

06/01/2022

EXHIBIT 6

25326642

Regina Alcomendras
Santa Clara County - Clerk-Recorder
06/27/2022 03:21 PM

Titles: 1 Pages: 2
Fees: \$105.00
Tax: \$0
Total: \$105.00

RECORDING REQUESTED BY
Same as below
AND WHEN RECORDED MAIL DOCUMENT AND
TAX STATEMENT TO:

NAME JOSEFSZIGETI
STREET ADDRESS 12 Corporate Plaza Suite 250
CITY, STATE & ZIP CODE Newport Beach, CA 92660

TITLE ORDER NO.

ESCROW NO.

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

A.P.N.: 386-23-072

SUBSTITUTION OF TRUSTEE


WHEREAS Vinh D. Nguyen and Teri Ha Nguyen, Trustees of Nguyen-Ha Living Trust Dated December 10, 2004 was the original Trustor(s), OLD REPUBLIC TITLE COMPANY was the original Trustee, and PAUL K. NGUYEN was the original Beneficiary(ies) under that certain Deed of Trust dated 08/25/2011 and recorded on 08/25/2011 as Instrument Number 21291910 in Book , Page of Official Records of SANTA CLARA County, California and

WHEREAS, the undersigned is the present Beneficiary under the Deed of Trust; and

WHEREAS, the undersigned desires to substitute a new Trustee under said Deed of Trust in the place and stead of said original Trustee thereunder, in the manner provided for in the Deed of Trust.

NOW, THEREFORE, the undersigned hereby substitutes JOSEFSZIGETI whose address is: 12 Corporate Plaza, Suite 250, Newport Beach, CA 92660 as Trustee.

Dated 06/14/2022


(Signature of Beneficiary)
Paul K. Nguyen
(Typed or Printed Name of Beneficiary)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA) SS

COUNTY OF ORANGE)

On 06/14/2022 before me, THANG DUC NGUYEN, personally appeared
(Date) (Name and title of the officer)
PAUL K. NGUYEN, who proved to me on the basis of satisfactory
(Name of person signing)

evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I Certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature





(Seal)

Declaration of Mailing

Date: 06/23/2022

Mailing: Substitution of Trustee

Page: 1

Trustee's Sale No. 2104

I, **PAUL K. NGUYEN**, declare:

That I am the beneficiary of a Deed of Trust February 25, 2021, as Instrument No. 21291910, of Santa Clara Official Records, whose business address is 9353 Bolsa Ave, #F8, Westminster CA 92683

I am over the age of eighteen years; On 06/23/2022 by mail, enclosed in a sealed envelope with postage fully prepaid, I deposited in the United States Post Office at Westminster, CA notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to the following:

Number of Article	Name of Addressee, Street, and Post Office Address	Cert. Fee	R.R. Fee
	<p>Empire Investments, LLC, a Wyoming Limited Liability Company 1231 S. Winchester Bl #245 San Jose, CA 95128</p> <p>Empire Investments, LLC, a Wyoming Limited Liability Company 12329 Kosich Place Saratoga, CA 95070-3575</p> <p>Vinh D. Nguyen, Trustee of Nguyen-Ha Living Trust Dated December 10, 2004 12329 Kosich Place Saratoga, CA 95070</p> <p>Teri H. Nguyen, Trustee of Nguyen-Ha Living Trust Dated December 10, 2004 12329 Kosich Place Saratoga, CA 95070</p> <p>Nguyen-Ha Living Trust Dated December 10, 2004 12329 Kosich Place Saratoga, CA 95070</p> <p>First Century Plaza, LLC 150 Pelican Way San Rafael, CA 94901</p> <p>First Century Plaza, LLC c/o Jeremy Sugerman, Esq. 222 Kearny Street, Suite 650 San Francisco, CA 94108</p> <p>Parker Foreclosure Services, LLC PO Box 2940 Ventura, CA 93002</p>		

Number of Pieces by Sender	Number of Pieces Received	Postmaster (Name) Receiving Employee	Mail By (Name) Sending Employee
-------------------------------	------------------------------	---	------------------------------------

I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

06/23/2022
(Date)

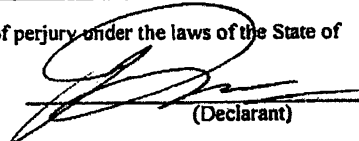

(Declarant)

EXHIBIT 7

25330309

Regina Alcomendras
Santa Clara County - Clerk-Recorder
07/05/2022 08:49 AM

DocuSign Envelope ID: 7831252B-551D-450E-ACEE-666B3170F760

RECORDING REQUESTED BY
same as below
AND WHEN RECORDED MAIL TO

Name Josef Szigeti

Street 12 Corporate plaza Dr., #250
Address

City & Newport Beach, CA 92660
State

Titles: 1 Pages: 4
Fees: \$111.00
Tax: \$0
Total: \$111.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Trustee Sale No. 2104 Loan No. Title Order No. 1812745CAD

APN 386-23-072

NOTICE OF TRUSTEE'S SALE

NOTE: THERE IS A SUMMARY OF THE INFORMATION IN THIS DOCUMENT ATTACHED

注：本文件包含一个信息摘要

참고사항: 본 첨부 문서에 정보 요약서가 있습니다

NOTA: SE ADJUNTA UN RESUMEN DE LA INFORMACIÓN DE ESTE DOCUMENTO

TALA: MAYROONG BUOD NG IMPORMASYON SA DOKUMENTONG ITO NA NAKALAKIP

LƯU Ý: KÈM THEO ĐÂY LÀ BẢN TRÌNH BÀY TÓM LƯỢC VỀ THÔNG TIN TRONG TÀI LIỆU NÀY

IMPORTANT NOTICE

**YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 08/25/2011. UNLESS YOU
TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC
SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS
AGAINST YOU, YOU SHOULD CONTACT A LAWYER.**

On 08/10/2022 at 10:00 A.M., Josef Szigeti as the duly appointed Trustee under and pursuant to Deed of Trust Recorded on 08/25/2011 as Document # 21291910 of official records in the Office of the Recorder of Santa Clara County, California, executed by: Vinh D. Nguyen and Teri H. Nguyen, as Trustees of the Nguyen-Ha Living Trust Dated December 10, 2004, as Trustor; Paul K. Nguyen, as Beneficiary, WILL SELL AT PUBLIC AUCTION TO THE HIGHEST BIDDER FOR CASH (payable at time of sale in lawful money of the United States, by cash, a cashier's check PAYABLE TO JOSEF SZIGETI drawn by a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state). At: At the gated North Market street entrance of the Superior Courthouse located at 191 N. First Street, San Jose, CA 95113, all right, title and interest conveyed to and now held by It under said Deed of Trust in the property situated in said County, California describing the land therein:

All of Lot 10, a shown on that certain Map of Tract No. 8917, which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on June 10, 1997, in Book 688 of Maps, Page(s) 31, 32 and 33.

Excepting therefrom the underground water rights, without the right to surface entry as granted to San Jose Water Company by Quitclaim Deed recorded August 25, 1999 as Instrument No. 14955253 Official Records of Santa Clara County.

The property heretofore described is being sold "as is". The street address and other common designation, if any, of the real property described above is purported to be: 12329 Kosich Place, Saratoga, CA 95070.

DocuSign Envelope ID: 7831252B-551D-450E-ACEE-666B3170F760

----- PAGE 2 OF 2 -----

Trustee Sale No. 2104
 Loan No.
 Title Order No. 1812745CAD
 APN 386-23-072

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, if any, under the terms of the Deed of Trust, estimated fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to-wit: \$ 466,126.82 (Estimated). Accrued interest and additional advances, if any, will increase this figure prior to sale.

The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Default and Demand for Sale, and a written Notice of Default and Election to Sell. The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located and more than three months have elapsed since such recordation.

NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call 844-477-7869 or visit this internet website Stoxposting.com, using the file number assigned to this case 2104. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the internet website. The best way to verify postponement information is to attend the scheduled sale.

NOTICE TO TENANT: You may have a right to purchase this property after the trustee auction pursuant to Section 2924m of the California Civil Code. If you are an "eligible tenant buyer," you can purchase the property if you match the last and highest bid placed at the trustee auction. If you are an "eligible bidder," you may be able to purchase the property if you exceed the last and highest bid placed at the trustee auction. There are three steps to exercising this right of purchase. First, 48 hours after the date of the trustee sale, you can call 844-477-7869 or visit this internet website Stoxposting.com, using the file number assigned to this case 2104 to find the date on which the trustee's sale was held, the amount of the last and highest bid, and the address of the trustee. Second, you must send a written notice of intent to place a bid so that the trustee receives it no more than 15 days after the trustee's sale. Third, you must submit a bid so that the trustee receives it no more than 45 days after the trustee's sale. If you think you may qualify as an "eligible tenant buyer" or "eligible bidder," you should consider contacting an attorney or appropriate real estate professional immediately for advice regarding this potential right to purchase.

6/30/2022

Josef Szigeti
 12 Corporate plaza Dr., #250
 Newport Beach, CA 92663 (949) 981-3310


 Josef Szigeti

NOTICE OF TRUSTEE'S SALE

Summary of Key Information (English)
(California Civil Code §2923.3(d)(2))

The attached notice of sale was sent to Attached mailing list, in relation
(trustor)
to 12329 Kosich Place, Saratoga, CA 95070.
(description of property that secures the mortgage or deed of trust in default)

YOU ARE IN DEFAULT UNDER A DEED OF TRUST
(deed of trust or mortgage)

DATED 08/25/2011. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY
(date)
BE SOLD AT A PUBLIC SALE.

IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU
SHOULD CONTACT A LAWYER.

The total amount due in the notice of sale is \$ 466,126.82.
(total amount due)

Your property is scheduled to be sold on _____

at At the gated North Market street entrance of the Superior Courthouse located at
191 N. First Street, San Jose, CA 95113

(location of sale)

However, the sale date shown on the attached notice of sale may be postponed one or more
times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the
California Civil Code. The law requires that information about trustee sale postponements be
made available to you and to the public, as a courtesy to those not present at the sale. If you
wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled
time and date for the sale of this property, you may call 844-477-7869

(telephone number for information regarding
the trustee's sale)

or visit this Internet Web site address Stoxposting.com.
(Internet website address for information regarding
the sale of this property)

using the file number assigned to this case 2104.
(case file number)

Information about postponements that are very short in duration or that occur close in time
to the scheduled sale may not immediately be reflected in the telephone information or on the
Internet Web site. The best way to verify postponement information is to attend the scheduled
sale. If you would like additional copies of this summary, you may obtain them by calling

844-477-7869.
(telephone number)

DocuSign Envelope ID: 7831252B-551D-450E-ACEE-666B3170F760

TRUSTOR MAILING LIST

Vinh D. Nguyen, Trustee of Nguyen-HA Living Trust

**12329 Kosich Place
Saratoga, CA 95070
(Trustor)**

Teri H. Nguyen, Trustee of Nguyen-HA Living Trust

**12329 Kosich Place
Saratoga, CA 95070
(Trustor)**